

RQ-2



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 25, 2004

Joseph Solmonese, Treasurer  
Emily's List  
1120 Connecticut Avenue NW, Suite 1100  
Washington, DC 20036

Response Due Date:  
September 24, 2004

Identification Number: C00193433

Reference: April Monthly Report (3/1/04 - 3/31/04) and May Monthly Report (4/1/04 - 4/30/04)

Dear Mr. Solmonese:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule E discloses independent expenditures on behalf of federal candidates. Schedule B of a previous report disclosed in-kind contributions on behalf of some of these same candidates. Under 2 U.S.C. §431(17), an "independent expenditure" is defined as:

... an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate; and that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized committee, or their agents, or a political party committee or its agents.

The coordination involved in making an in-kind contribution to a candidate may preclude your committee from making an independent expenditure in support of the same candidate. Please amend your reports to disclose the aforementioned transactions as in-kind contributions (Schedule B supporting Line 23 of the Detailed Summary Page), or provide additional clarifying information concerning the independent expenditures made in support of Allyson Schwartz.

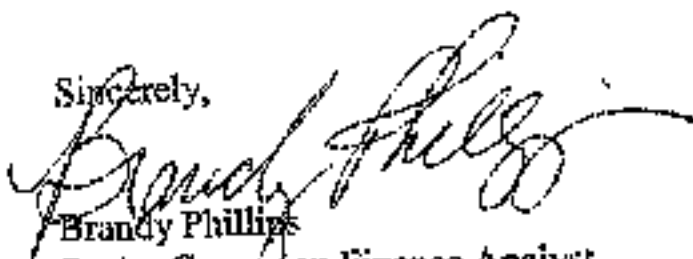


If the reclassification of these expenditures as in-kind contributions results in excessive contributions, the Commission recommends that you notify the recipient(s) and request a refund of the amount in excess of \$5,000 per election. Please inform the Commission immediately in writing and provide a photocopy of your refund request(s) sent to the recipient(s). In addition, any refund should be disclosed on Schedule A supporting Line 16 of your next report.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,



Brandy Phillips  
Senior Campaign Finance Analyst  
Reports Analysis Division



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